

Jan 16, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VICTOR A. CELLI, JR.,

Plaintiff,

v.

SPOKANE COUNTY JAIL and
STATE OF WASHINGTON,

Defendant.

NO: 2:19-CV-284-RMP

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE REQUIREMENTS

Plaintiff Victor A. Celli, Jr., filed a civil rights complaint pursuant to 42 U.S.C. § 1983 while a prisoner at Spokane County Detention Services. ECF No. 1. On November 15, 2019, after being notified of Mr. Celli's release from incarceration to a residential address in Spokane, Washington, the Court instructed Plaintiff to complete and file a new financial affidavit as required by 28 U.S.C. § 1915(a)(1), or to pay the applicable filing fee of \$400.00 (\$350.00 filing fee, plus \$50.00 administrative fee). ECF No. 7. Plaintiff was warned that failure to do either within 30 days would result in the dismissal of this case. *Id.* Plaintiff did not comply with these directives and has filed nothing further in this action.

ORDER DISMISSING ACTION FOR FAILURE TO COMPLY WITH FILING
FEE REQUIREMENTS -- 1

Parties filing actions in the United States District Court are required to pay filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate payment of a filing fee only upon the granting of in forma pauperis status. *See* 28 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995) (district court has authority to dismiss without prejudice prisoner complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay required filing fees).

Accordingly, **IT IS ORDERED** that this action is **DISMISSED** without prejudice for failing to pay the filing fee or filing a properly completed Application to Proceed In Forma Pauperis pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order, enter judgment, forward copies Plaintiff at the address provided and **CLOSE** the file.

DATED January 16, 2020.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge